

1

TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PT. 1

JA_008783

TX_00212499

USA_00023665

1 THE SPEAKER: Have all voted? Being 125
2 ayes, 11 nays, House Bill 1900 passed engrossment

3 The Chair lays out on third reading House
4 Bill 1706. The clerk read the bill.

5 THE CLERK: HB 1706 by Denny, relating to
6 require a voter to present proof of identification.

7 THE SPEAKER: The Chair recognizes
8 Ms. Denny.

9 REPRESENTATIVE DENNY: Thank you,
10 Mr. Speaker, Members. This is the bill we passed
11 yesterday requiring proof of identification when
12 offering to vote in person.

13 I move passage and we do have a couple of
14 Amendments.

15 THE SPEAKER: The following Amendment. The
16 clerk will read the Amendment.

17 REPRESENTATIVE VEASEY: Mr. Speaker.

18 THE SPEAKER: Mr. Veasey, for what purpose?

19 REPRESENTATIVE VEASEY: Does the gentlelady
20 yield?

21 THE SPEAKER: The lady does not have the
22 floor. Do not have an Amendment.

23 THE CLERK: Amendment by Leibowitz.

24 THE SPEAKER: The Chair recognizes
25 Mr. Leibowitz.

1 REPRESENTATIVE LEIBOWITZ: Mr. Speaker,
2 Members, my Amendment simply says that if someone is
3 85 years or over as of the day that they go to vote,
4 that they should be exempted from having to deal with
5 the two proofs of identification issue.

6 And let me tell you briefly why I'm
7 proposing this Amendment: My mother's 85 years old.
8 She raised 12 children. She's never driven in her life.
9 She made a lot of sacrifices for us, and I oftentimes
10 say that she's already earned her halo for all the
11 sacrifices she's made for us.

12 When my dad passed away in the mid '80s
13 everyone wanted her and she went to live with one of my
14 brother's in Houston. She doesn't have a utility bill.
15 She doesn't have a phone bill. She has no credit cards.
16 She has no driver's license. And she has no picture ID.

17 So she's been voting all of her life and
18 this bill says that she's going to not be able to do
19 that.

20 Secondly, my father was a veteran of World
21 War II. He's buried at the Port Sam Houston National
22 Cemetery. And I can assure you that when he went to
23 volunteer to fight in World War II, that they didn't
24 tell him, "No, son, you need to present two proofs of
25 identification before we're going to let you join to

1 fight against the Nazi Germany and against Japan."

2 What I'm saying is we have 85-year old
3 folks that are elderly, they're febrile. Some of them
4 have to catch a ride from a neighbor in order to get to
5 the polls and, you know, the veterans who shed they're
6 blood and died for us on Omaha Beach. And the ones who
7 died at Normandie -- they didn't have to present two
8 proofs of IDs before they were allowed to make that
9 sacrifice.

10 Lastly, if you look at some of the rural
11 counties in the state of Texas, I asked my Chief of
12 Staff to look at this and to tell me if there's some
13 cities that are far away in terms of mileage from the
14 county seat.

15 And they came up with one, and
16 coincidentally it was Brewster County La Morita, a town
17 in Brewster County is 95 miles from Alpine, which is the
18 county seat.

19 So if there's a elderly person who hitched
20 a ride to the polls to vote in an election, then they're
21 going to have to go back home. They're going to have to
22 get some proofs of ID and travel 95 miles to Alpine in
23 order to get their provisional ballot to count.

24 And my point respectfully is: When these
25 guys went, these gentlemen fought in World War II, we

1 didn't ask them for proofs of ID before they joined and
2 now we're going to question their honesty? We're going
3 to question their integrity? We're going to question
4 their character? And if they don't have two proofs of
5 ID, they're going to be turned away?

6 And I respectfully request that you all
7 give due consideration to allow anyone who's 85 years of
8 age and over to not have to abide by this new obligation
9 of coming up with two proofs of identification.

10 THE SPEAKER: The Chair recognizes
11 Ms. Denny.

12 REPRESENTATIVE DENNY: Thank you,
13 Mr. Speaker. I respectfully move to table this
14 Amendment. We're not discriminating in age in any way
15 anybody by separating any age group out here.

16 We're going to require an ID of every
17 voter, whether it be the photo ID or two forms of
18 non-photo ID. I don't think it's asking too much of any
19 voter to show us that they're who they say they are.

20 The requirements are in place for people
21 that are over 65 to be able to vote-by-mail and that
22 does not change.

23 So I move to table this Amendment.

24 THE SPEAKER: The Chair recognizes
25 Mr. Leibowitz to close.

1 REPRESENTATIVE LEIBOWITZ: Thank you,
2 Mr. Speaker.

3 Members, I sincerely believe that we do not
4 have the right to change the rules in the middle of the
5 game with respect to veterans in World War II who may
6 not have all of these different IDs that are required in
7 order to come and vote. And we're only going to allow
8 them a provisional ballot.

9 If they had not done what they did and made
10 the sacrifices that they did in World War II, we would
11 not have the vote as we know it today to debate in the
12 first place.

13 And respectfully I ask you to consider to
14 vote against the motion to table.

15 THE SPEAKER: Members, Mr. Leibowitz sends
16 up an Amendment. Ms. Denny moves to table.

17 All those in favor vote aye. Those opposed
18 to vote no. It's a Motion to table, members.

19 The clerk will ring the bell.

20 Have all voted? Have all voted?

21 Being 72 ayes, 67 nays, the motion to table
22 prevails.

23 The following Amendment.

24 The clerk will read the Amendment.

25 THE CLERK: Amendment by Edwards.

1 THE SPEAKER: The Chair recognizes
2 Mr. Edwards.

3 REPRESENTATIVE EDWARDS: Thank you,
4 Mr. Speaker, Members. You know a lot of folk who vote
5 and they vote late, and in this bill we don't have
6 provisions for those without the identification that
7 they need.

8 And if it is at the last minute, the
9 question really would be: What do they do? And right
10 now, it would be nothing.

11 So my Amendment says that the county would
12 be open on Saturday for persons who work or come in late
13 and continue -- well, they wouldn't have the time to do
14 it.

15 And this Amendment is accepted by the
16 author.

17 THE SPEAKER: Mr. Edwards sends up an
18 Amendment. The Amendment is acceptable to the author.

19 Is there an objection?

20 The Chair hears none.

21 The Chair recognizes Ms. Olivo for an
22 introduction.

23 REPRESENTATIVE OLIVO: Mr. Speaker,
24 Members, I'm very proud today to introduce the 6th
25 graders from the Fort Bend County Yes Prep School in

1 Richmond, Texas, and if the students and the parents
2 from Fort Bend County would please stand and be
3 recognized.

4 Please stand and help me welcome them to
5 the House.

6 Thank you, Mr. Speaker.

7 THE SPEAKER: The Chair recognizes
8 Ms. McClendon for an introduction.

9 REPRESENTATIVE MCCLENDON: Thank you,
10 Mr. Speaker.

11 In the south gallery we have some
12 wonderful, wonderful students from San Antonio, from
13 Cameron Elementary School from District 120 in San
14 Antonio, which is my district and my neighborhood. And
15 they're here with their teacher, Kim Baird and Paul
16 Williams, Michelle Hearn and Vera Lewis. They're here
17 for a field trip.

18 Would you please help me welcome them to
19 their State Capitol. Thank you.

20 THE SPEAKER: The following Amendment.

21 The clerk will read the Amendment.

22 THE CLERK: Amendment by Hochberg.

23 THE SPEAKER: The Chair recognizes
24 Mr. Hochberg.

25 REPRESENTATIVE HOCHBERG: Thank you,

1 Mr. Speaker and members.

2 This Amendment does two things: First of
3 all in Ms. Denny's bill yesterday, we discovered that
4 the voting board was not obligated under the bill to
5 vote those votes where people had taken their
6 identification down during the five-day period after the
7 election.

8 This Amendment requires the voting board to
9 do that if there are no other reasons that the challenge
10 is before them or the provisional ballot is before them.

11 Secondly, it allows that information to be
12 delivered by mail, in addition to being delivered
13 in-person.

14 I believe it's acceptable to the offer
15 author and I move adoption.

16 THE SPEAKER: Mr. Hochberg sends up an
17 Amendment. The Amendment is acceptable to the author.

18 Is there an objection?

19 The Chair hears none.

20 The Amendment is adopted.

21 The Chair recognizes Ms. Denny to close.

22 REPRESENTATIVE DENNY: Thank you,

23 Mr. Speaker. I move passage.

24 REPRESENTATIVE VEASEY: Mr. Speaker.

25 THE SPEAKER: Mr. Veasey, for what purpose?

10

1 REPRESENTATIVE VEASEY: Will the gentlelady
2 yield?

3 THE SPEAKER: Ms. Denny, do you yield?

4 REPRESENTATIVE DENNY: I do.

5 THE SPEAKER: The lady yields.

6 REPRESENTATIVE VEASEY: Ms. Denny, I know
7 that you're a good person, and when you filed this bill
8 that you didn't think that it would have the
9 consequences that I believe that it's going to have, and
10 I have a couple of questions for you.

11 If you had filed this bill knowing that
12 minorities and African Americans were less likely to
13 have certain forms of identification, would you have
14 been as likely to file this bill?

15 REPRESENTATIVE DENNY: Mr. Veasey, I don't
16 believe that anybody, regardless of race or ethnicity,
17 is going to be less likely to have one of any form of
18 identification.

19 And because this bill, specifically, has a
20 provision in it for DPS to provide a state-issued ID
21 free of charge to someone that will fill out an
22 Affidavit. For someone not able to afford that -- I
23 think that provision is taken care of.

24 REPRESENTATIVE VEASEY: If you thought that
25 this bill would have an adverse impact on African

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1 Americans voting overall, would you still have been in
2 favor of the bill?

3 REPRESENTATIVE DENNY: I don't believe that
4 to be the case, sir.

5 REPRESENTATIVE VEASEY: I have a document
6 here from the Justice Department.

7 Not too long ago the State of Louisiana
8 tried to pass, basically, the same law that we're
9 passing here. And the document that I have shows that
10 their finding said back then that black persons are 4 to
11 5 less times likely than white persons to possess
12 driver's licenses or other forms of identifications,
13 such as picture identifications. That was in their bill
14 and the bill is almost exactly the same as ours.

15 And then, also, the Justice Department
16 found that this imposition requirement would have a
17 disproportionate impact on African American voters.

18 REPRESENTATIVE DENNY: Yes, this bill,
19 bills very similar to this have been passed in several
20 states that are voting rights states. The latest that
21 was just passed into law was Georgia last week. Several
22 have already passed Justice Department muster and I have
23 that up here. And I do yield to my friend --

24 REPRESENTATIVE BURNAM: Mr. Speaker.

25 THE SPEAKER: Mr. Burnam, for what purpose?

1 REPRESENTATIVE BURNAM: I raise a point of
2 order against further consideration of HB 1706 under
3 Rule 6 Section I A11, Rule 6 Section 7(b), and Rule 6
4 Section 15 and Rule 6 Section 17 of the rules of the
5 House on the grounds that consideration of HB 1706
6 violates the daily order of business and the proper
7 order of consideration.

8 THE SPEAKER: Bring it down front.
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3 STATE OF TEXAS:
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5 COUNTY OF HARRIS:
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7 I, Kateri A. Flot-Davis, Certified
8 Shorthand Reporter in and for the State of Texas, hereby
9 certify that the foregoing transcript is done to the
10 best of my ability and reflects proceedings heard on
11 video recording.

12 I further certify that I am neither
13 counsel for, related to, nor employed by any of the
14 parties or attorneys in the action in which this
15 proceeding was taken, and further that I am not
16 financially or otherwise interested in the outcome of
17 the action.

18 Certified to by me this ____ of
19 _____, _____.
20
21
22

23 _____
Kateri A. Flot-Davis
Texas CSR No. 8462
24 Expiration Date: 12-31-13
25

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House Floor Debate, 3rd Reading - Volume II

May 3, 2005

1

TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PT. II

JA_008801

TX_00212517

USA_00023683

1 THE SPEAKER: Members, Representative
2 Burnam raises a point of order against further
3 consideration of House Bill 1706 on the grounds that it
4 violates Rule 1A11, Rule 6, Section 7 B, Rule 6 Section
5 15, Rule 6, Section 16A and Subsection E, Rule 6,
6 Section 17 of the House Rules.

7 These rules require that bills printed on
8 the daily calendar be taken in the proper order of
9 consideration.

10 The chair has reviewed the calendars in
11 the rules and sustains the point of order.

12 I turn to the circumstances surrounding
13 the point of order and the eligibility of the whole
14 calendar itself is at issue, and therefore, further
15 consideration of the bills on the Supplemental Calendar
16 is not in order at this time.

17 Under Rule 6, Section 16A, a Supplemental
18 Calendar must be printed and distributed, at least, two
19 hours before the House convenes.

20 Because it is clear that Mr. Burnam's
21 point of order impacts the entire calendar and that
22 numerous bills in the calendar were not in their proper
23 order, a corrected Supplemental Calendar has been
24 printed and distributed in your mailboxes.

25 The calendar's time is time stamped at

1 12:57 today which makes it eligible for consideration at
2 2:57 today.

3 As a point of clarification,
4 Representative Thompson asked before lunch about how
5 long a calendar is supposed to lay out before the House
6 considers.

7 The chair answered Ms. Thompson's question
8 based on Rule 6, Section 16 Sub A, which requires a
9 calendar to lay out for 36 hours before it is eligible
10 for consideration. But the chair also notes that under
11 Rule 6 Section 16A, a House may print and distribute a
12 Supplemental Calendar which requires a two-hour lay out.

13 Accordingly, the point of order is well
14 taken and sustained and Representative Wooley moves that
15 the House stand in recess until 3:00 o'clock p.m. and
16 will properly convene at the time that the Supplemental
17 Calendar is eligible.

18 REPRESENTATIVE GALLEG0: Mr. Speaker,
19 Parliamentary inquiry.

20 THE SPEAKER: State your inquiry.

21 REPRESENTATIVE GALLEG0: Mr. Speaker, you
22 are referring to Rule 16, Section A, which indicates
23 that the deviating from the calendar as printed and
24 distributed shall not be permitted except at the
25 calendar's permission shall be authorized to print and

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1 distribute not later than two hours? Is that the
2 section that we're relying on?

3 THE SPEAKER: That's correct.

4 REPRESENTATIVE GALLEGOS: And, Mr. Speaker,
5 in that case, another Parliamentary, what time did the
6 House convene this morning?

7 THE SPEAKER: 10:00 a.m.

8 REPRESENTATIVE GALLEGOS: Mr. Speaker, I
9 believe the rule says that the Committee -- that phrase
10 is not later than two hours before the House convenes.
11 And, therefore, if we go to 3:00 p.m., that does not
12 cure the issue. The rule says that the calendar must be
13 printed, the Supplemental Calendar must be printed two
14 hours before the House convenes.

15 THE SPEAKER: We're going to convene at
16 3:00 and that's when the calendar will be eligible and
17 that's what we've done in the past.

18 REPRESENTATIVE GALLEGOS: So we're
19 adjourning now and reconvening on a new legislative day?

20 THE SPEAKER: We're going to recess,
21 Mr. Gallegos.

22 REPRESENTATIVE GALLEGOS: Well, is there not
23 a difference, Mr. Speaker, between a recess and a --

24 THE SPEAKER: The rule does not define what
25 the word "convene" means.

JA_008804

TX_00212520

USA_00023686

1 REPRESENTATIVE GALLEG0: The rule indicates
2 -- so any time we recess or adjourn, that could be
3 convening, Mr. Speaker?

4 THE SPEAKER: For the purposes of this
5 rule, a "convene" means for when we come back in and
6 that's going to be when we come back at 3:00.

7 REPRESENTATIVE GALLEG0: Mr. Speaker, can
8 you -- further Parliamentary Inquiry, Mr. Speaker.

9 THE SPEAKER: State your inquiry,
10 Mr. Gallego.

11 REPRESENTATIVE GALLEG0: With respect to
12 the bills that are on third reading today, the rule
13 require that they maintain that through the process; is
14 that correct? They maintain their order through the
15 process?

16 THE SPEAKER: That's correct, Mr. Gallego.

17 REPRESENTATIVE GALLEG0: It's my
18 understanding that the particular bill that Mr. Dunnam
19 raised his point of order on has already been
20 considered, Amendments have already been debated with
21 respect to that particular bill and votes have already
22 been taken.

23 Is it the chair's ruling then that all of
24 that is a null and void and is of no effect or is there
25 no reconsideration --

1 THE SPEAKER: No. Mr. Gallego, we're going
2 to pick up where we left off. Those things have already
3 been done and the point of order was not raised until
4 after the Amendments were either adopted or defeated.

5 REPRESENTATIVE GALLEGO: So, in essence,
6 the only thing that happened as a result of that point
7 of order, Mr. Speaker, is a delay of two hours is your
8 ruling?

9 THE SPEAKER: That's correct.

10 REPRESENTATIVE GALLEGO: And the chair is
11 reducing his ruling to writing and placing that in the
12 journal?

13 THE SPEAKER: We'll be more than glad to do
14 that, Mr. Gallego.

15 MR. GALLEGO: Thank you, Mr. Speaker.

16 REPRESENTATIVE THOMPSON: Parliamentary
17 inquiry.

18 THE SPEAKER: State your inquiry
19 Ms. Thompson.

20 REPRESENTATIVE THOMPSON: Mr. Speaker, the
21 calendar that has been distributed on our desk -- is
22 that considered the Supplemental Calendar that we are
23 addressing at this time?

24 THE SPEAKER: That is correct,
25 Ms. Thompson.

1 REPRESENTATIVE THOMPSON: And when did the
2 Calendars Committee get authority to print and
3 redistribute?

4 THE SPEAKER: The rules allow the Calendar
5 Committee to print and distribute a supplemental --

6 REPRESENTATIVE THOMPSON: What rule is
7 that, Mr. Speaker? I just want to be acquainted with it
8 myself.

9 THE SPEAKER: Hold on, Ms. Thompson.

10 REPRESENTATIVE THOMPSON: Thank you. Did
11 they post?

12 THE SPEAKER: They don't have to post.
13 It's Rule 16.

14 REPRESENTATIVE THOMPSON: Mr. Speaker.

15 THE SPEAKER: Rule 6, Section 16,
16 Ms. Thompson.

17 REPRESENTATIVE THOMPSON: Rule 6, Section
18 16. Subsection what?

19 THE SPEAKER: Just a moment, Ms. Thompson.

20 REPRESENTATIVE THOMPSON: Thank you.

21 THE SPEAKER: Subsection A.

22 REPRESENTATIVE THOMPSON: Is it Subsection
23 A1, 2, 3 or 4?

24 THE SPEAKER: The whole subsection.

25 REPRESENTATIVE THOMPSON: Well, now, this

House Floor Debate, 3rd Reading - Volume II

May 3, 2005

8

1 says that the calendars will be placed in our mailboxes.

2 It says that deviation of the calendar --

3 THE SPEAKER: It was put in mailboxes,

4 Ms. Thompson.

5 REPRESENTATIVE THOMPSON: Pardon me?

6 THE SPEAKER: It was put in the mailboxes.

7 REPRESENTATIVE THOMPSON: It was on my

8 desk.

9 THE SPEAKER: Well, maybe --

10 REPRESENTATIVE THOMPSON: Is that

11 considered a mailbox now?

12 THE SPEAKER: Why don't you go check your
13 mailbox, Ms. Thompson. I think it's there, also.

14 REPRESENTATIVE THOMPSON: So you don't --
15 they don't have to meet the set of supplementals?

16 THE SPEAKER: No, ma'am.

17 REPRESENTATIVE THOMPSON: Okay. Thank you,
18 Mr. Speaker.

19 THE SPEAKER: Mr. Burnam.

20 REPRESENTATIVE BURNAM: Parliamentary
21 inquiry.

22 THE SPEAKER: State your inquiry.

23 REPRESENTATIVE BURNAM: Mr. Speaker, I'm
24 wondering if we're reading from the same rules book.

25 I'm having a hard time understanding the ruling.

JA_008808

TX_00212524

USA_00023690

1 When I'm looking at Section 16A, the last
2 sentence of that reads, "Deviations from the calendar as
3 printed and distributed shall not be permitted except
4 that the Committees on Calendars" --

5 THE SPEAKER: Could you back up from the
6 microphone, Mr. Burnam, because we can't understand a
7 word. You're rumbling back there.

8 REPRESENTATIVE BURNAM: I'm sorry.

9 THE SPEAKER: Thank you.

10 REPRESENTATIVE BURNAM: Is that better?

11 THE SPEAKER: That would be great.

12 REPRESENTATIVE BURNAM: I'm reading the
13 last sentence, the first paragraph of Section 16, where
14 it says, "Deviations from the calendar as printed and
15 distributed shall not be permitted except the Committee
16 on Calendars shall be authorized to print and distribute
17 no later than two hours before the House concludes."

18 THE SPEAKER: Mr. Burnam, they've never met
19 a Supplemental Calendar. They don't do that.

20 REPRESENTATIVE BURNAM: But the rule then
21 simply does not apply because we've followed it before?

22 THE SPEAKER: It's House practices which
23 we've done for years, Mr. Burnam.

24 REPRESENTATIVE BURNAM: Okay.

25 THE SPEAKER: Mr. Wooley moves that the

1 House stand in recess till 3:00 o'clock.

2 Is there an objection?

3 The Chair hears none.

4 So ordered.

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STATE OF TEXAS:

COUNTY OF HARRIS:

I, Kateri A. Flot-Davis, Certified
Shorthand Reporter in and for the State of Texas, hereby
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I further certify that I am neither
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Kateri A. Flot-Davis
Texas CSR No. 8462
Expiration Date: 12-31-13

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House Floor Debate, 3rd Reading - Volume III

May 3, 2005

1

TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PART III

JA_008816

TX_00212532

USA_00023698

House Floor Debate, 3rd Reading - Volume III

May 3, 2005

2

1 REPRESENTATIVE DUNNAM: Mr. Speaker.

2 THE CHAIR: Mr. Dunnam for what purpose?

3 REPRESENTATIVE DUNNAM: Parliamentary
4 inquiry.

5 THE SPEAKER: State your inquiry, Mr.
6 Dunnam.

7 REPRESENTATIVE DUNNAM: It's my
8 understanding that a revised, Supplemental Calendar was
9 printed and distributed prior to our recess and was put
10 in our boxes.

11 THE SPEAKER: That's correct.

12 REPRESENTATIVE DUNNAM: My question is
13 this: The bill that was before the chair at the time,
14 1706 I think was the number, was live before the House,
15 and the point of order had not been sustained. It was
16 still pending business before the House. Yet, the
17 Calendars Committee, evidently, put it on a new
18 calendar.

19 And my question is: If we have a bill
20 before the body, how does calendar have jurisdiction
21 over that bill to do anything? Because the rules are
22 very clear about that in Rule 6, Section 16 and 17 and
23 also 19 in regards to the placement of bills on a
24 calendar.

25 So the question is: How did the Calendars

JA_008817

TX_00212533

USA_00023699

House Floor Debate, 3rd Reading - Volume III

May 3, 2005

3

1 Committee have jurisdiction to do anything with the bill
2 prior to the point of order being sustained?

3 THE SPEAKER: Mr. Dunnam, why don't you
4 bring your point of order down front.

5 REPRESENTATIVE DUNNAM: I'm not making a
6 point of order, Mr. Speaker.

7 THE SPEAKER: Why don't you bring your
8 question down front.

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JA_008818

TX_00212534

USA_00023700

STATE OF TEXAS:

COUNTY OF HARRIS:

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Texas CSR No. 8462
Expiration Date: 12-31-13

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House Floor Debate, 3rd Reading - Volume IV

May 3, 2005

1

TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PART IV

JA_008822

TX_00212538

USA_00023704

House Floor Debate, 3rd Reading - Volume IV

May 3, 2005

2

1 REPRESENTATIVE DUNNAM: Mr. Speaker.

2 THE SPEAKER: Mr. Dunnam, for what purpose?

3 REPRESENTATIVE DUNNAM: My understanding is

4 the chair has considered the question and that the

5 discussion of this, that I brought to the chair's

6 attention is going to be placed in the journal for

7 future reference but we're going to proceed,

8 notwithstanding this argument?

9 THE SPEAKER: That's true.

10 Is there an objection?

11 REPRESENTATIVE DUNNAM: Thank you.

12 THE SPEAKER: The chair hears none.

13 So ordered.

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JA_008823

TX_00212539

USA_00023705

1 STATE OF TEXAS:

2
3 COUNTY OF HARRIS:

4
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6 Shorthand Reporter in and for the State of Texas, hereby
7 certify that the foregoing transcript is done to the
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9 video recording.

10 I further certify that I am neither
11 counsel for, related to, nor employed by any of the
12 parties or attorneys in the action in which this
13 proceeding was taken, and further that I am not
14 financially or otherwise interested in the outcome of
15 the action.

16 Certified to by me this ____ of
17 _____, ____.

18
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21 _____
Kateri A. Flot-Davis
22 Texas CSR No. 8462
Expiration Date: 12-31-13
23
24
25

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House Floor Debate, 3rd Reading - Volume V

May 3, 2005

1

TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PT. V



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House Floor Debate, 3rd Reading - Volume V

May 3, 2005

2

1 THE SPEAKER: The chair lays outs on third
2 reading HB 1706. The clerk will read the bill.

3 THE CLERK: HB 1706 by Denny relating to
4 requiring a voter to present proof of identification.

5 THE SPEAKER: The chair recognizes Ms.
6 Denny.

7 REPRESENTATIVE DENNY: Thank you,
8 Mr. Speaker.

9 This is the bill we started earlier today
10 that requires the voter ID or two forms of ID for
11 persons voting, and I'm going to move passage in a
12 minute, but I believe there's an Amendment.

13 THE SPEAKER: The following amendment. The
14 clerk will read the Amendment.

15 THE CLERK: Amendment by Veasey.

16 THE SPEAKER: The chair recognizes
17 Mr. Veasey.

18 REPRESENTATIVE VEASEY: Mr. Speaker,
19 members, this Amendment simply would encourage election
20 workers to encourage voters to go and find their proper
21 place to go and vote by providing a penalty, a Class A
22 misdemeanor if the election judge fails to knowingly let
23 the voter know that there are other acceptable forms of
24 documentation if the voter does not bring the proper
25 documentation with them.



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1 And also that the voter may leave the
2 polling place and return to the polling place at any
3 time before the polls close. Then they'll be able to
4 cast the ballot.

5 And also that the voter may cast the
6 provisional ballot if the voter executes the ballot
7 under the bill.

8 THE SPEAKER: The chair recognizes Ms.
9 Denny.

10 REPRESENTATIVE DENNY: Thank you,
11 Mr. Speaker.

12 I'm going to leave this Amendment up to the
13 will of the House. There is a pretty severe penalty on
14 election judges and clerks if they, for some reason,
15 should fail in this attempt to not inform a voter of one
16 of these forms of ID.

17 Also, it will be difficult if they have to
18 return to the poll on election day in getting that
19 provisional ballot out and dealing with that again.

20 But I'm going to leave this up to you here
21 on the floor.

22 THE SPEAKER: The Amendment's been
23 withdrawn.

24 The chair recognizes Ms. Thompson to speak
25 against the passage of the bill.



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1 REPRESENTATIVE THOMPSON: Mr. Speaker,
2 Members, thank you for letting me speak in opposition to
3 this bill.

4 I think that one of the most valuable
5 things that we hold dear is the right to vote. And
6 during our campaign of democracy, whether we're doing it
7 by ambassadors of goodwill or doing it by individuals or
8 even by presidents, we always parade the right to vote,
9 the democratic process and democracy here in America.

10 I'm really not in a habit, as I'm sure most
11 of you all are not, in the habit of packing around your
12 utility bills as some of my colleagues may be.

13 But personally, I just can't wait to here
14 some hear some of the old persons in front of me become
15 agast at the fact that they'll be asking, come again,
16 you asking me for what?

17 For a long time we have had the Voter
18 Registration Form after the abolition of the poll tax.
19 And I thought that once we had the 13th Amendment, the
20 19th and the one deal with race, sex and age covered,
21 that we had really resolved the problem with voting in
22 this country.

23 And this is really just not the elderly
24 that I'm concerned about in House Bill 1704 that
25 intimidates them. But minorities, particularly,



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1 minority voters, are what's intimidated by requiring
2 them to provide a driver's license, a potter's license,
3 which nobody in my district probably own gun license,
4 when they arrive at the polls.

5 And we would just like the election judges
6 to create two lines: People of color with three forms
7 of ID to the left, wealthy white people to the right,
8 and everyone else can go home and pray.

9 Just as elections on a special day makes it
10 harder for minorities and working class voters to make
11 it to the polls, this is another attempt to
12 disenfranchise voters less likely to support the
13 priorities of this legislature.

14 A Voter Registration Card should be all you
15 need to vote. If not, why are we forced continuously to
16 spend millions of dollars to print and to mail them?
17 And if there's so much fraud in printing these
18 certificates, why are we locking up county clerks of the
19 state?

20 Instead, we are punishing the voters to
21 people who still think they have a voice in this
22 government. Are you afraid to let the voters decide?
23 That's the real question here.

24 And I thought that protecting the right to
25 vote was an important goal, and I thought that making it



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1 easy to vote was an important goal. But I've learned
2 that the most of my colleagues do not share these goals.
3 I've learned that many of my colleagues are afraid the
4 wrong people will vote.

5 And we learned that last week in Mr. Kiel's
6 speech, rebutting arguments that hadn't been made,
7 calling out Members who hadn't spoken, and he carefully
8 prepared a well-written comment against the Ethics Bill
9 he co-authored.

10 And, Members, it doesn't take much to
11 discourage people from voting. But we have been doing a
12 great job of this succession, just like we did last week
13 when we approved a bill last special session, when we
14 approved a bill to let Tom DeLay choose the voters in
15 300-mile Congressional District.

16 In this session, the leaders want to
17 determine who is worthy to vote. And we talked about
18 this bill earlier, the right of this bill coming to the
19 floor.

20 But I want to remind you, Members, that
21 last special session the Redistricting Bill was filed in
22 the Clerk's Office. It was brought to the floor. It
23 never went through the committee process. The rules
24 were suspended and it was passed.

25 Mr. Speaker, I'd like to be shown as voting



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1 no against this bill.

2 THE SPEAKER: The chair recognizes Mr.
3 Strama to speak against.

4 MR. MORENO: Mr. Speaker.

5 THE SPEAKER: Mr. Moreno, for what purpose?

6 REPRESENTATIVE JOE MORENO: I'd like to
7 show that we reduce Ms. Thompson's remarks in writing
8 and placed in the journal.

9 THE SPEAKER: Why don't you come down front
10 while Mr. Strama's speaking.

11 The chair recognizes Mr. Strama.

12 REPRESENTATIVE STRAMA: Thank you,
13 Mr. Speaker.

14 Members, I know we talked about this a lot
15 yesterday. I went home last night and I was still
16 thinking about it, and I talked to my fiancée about it
17 and she said, "Wow, I'm surprised. I thought you would
18 be for that bill, as much as your life and work has been
19 spent securing the integrity of elections." She thought
20 I would be for this bill.

21 And so I realized that we hadn't done a
22 very good job yesterday of explaining what the problems
23 are with this bill and I'm going to ask you to indulge
24 me for a moment.

25 Let me start by commending Chairwoman



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1 Denny. Yesterday you did a great job keeping your cool
2 under a lot of difficult questioning.

3 I know that as Republicans, those of you
4 who support this bill, probably take as much offense at
5 the implications of the political process as we
6 Democrats take offense at the implication that we don't
7 believe elections should be secure from fraud.

8 Let's assume that both of us want fair,
9 free elections in which everyone has access to the
10 ballot and no one is allowed to vote improperly or
11 twice.

12 If we assume that, then we can talk about
13 what are the right ways to guarantee that procedurally?

14 Because at the end of the day, this is a
15 bill about election procedure. And we have to make sure
16 that those procedures are fair to everyone. And I think
17 at the end of the day we have to err on the side of
18 inclusion when we know we have a problem with voter
19 turn-out in this state and we are not able to document
20 any specific evidence of actual fraud that would be
21 deterred by this legislation.

22 Mr. Keel, we voted for two of your bills in
23 this past month that try to safeguard the integrity of
24 the election process from fraudulent voting by mail,
25 which is probably the most vulnerable part of our



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1 election process.

2 It's widely agreed among election
3 administrators and security experts that voting by mail
4 is the part where it is easiest to defraud an election.

5 You have to realize that election fraud is
6 a high risk, low reward endeavor in our system because
7 the risks and the consequences are high. We cannot
8 always deter election fraud before it happens but it is
9 pretty easy to find it after it happens.

10 And only one vote at a time can be cast
11 fraudulently, not in a way that generally changes the
12 outcome of an election. But it does get caught, and
13 there is an Election Crimes Division at the United
14 States Department of Justice. There is the Attorney
15 General's Office. There are local District Attorney's
16 Office and there are competent election administrators
17 around this state who look for that kind of fraud all
18 the time.

19 But let me tell you what the practical
20 effect of this legislation will be. No. One, it will
21 cause a significant increase in the number of
22 provisional ballots that are cast on election day. This
23 should be of significant concern to all election
24 administrators.

25 In the Help America Vote Act there are very



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1 short timeframes during which provisional ballots have
2 to be vetted and determined whether they will be cast,
3 whether they will be count or discarded.

4 By increasing the number of provisional
5 ballots that get cast, and Representative Anchia told
6 you yesterday only 21 percent of provisional ballots got
7 counted in the 2004 election.

8 If we increase that number, we do two
9 things: One, we increase the work load on election
10 officials at a time when they're already extremely busy.

11 Two, we decrease their ability to do
12 thorough due diligence on all of the provisional ballots
13 that they have to review. That is a significant new
14 burden to put on election administrators. It is an
15 unfunded mandate on them, and it is something that not
16 only effects the votes cast under this legislation, but
17 effected all the other provisional votes that are cast
18 in an election period.

19 Second practical problem with the bill: It
20 gives an extraordinary amount of new discretion to the
21 volunteer poll workers who work at the polls on election
22 day.

23 The most difficult challenge election
24 administrators face is the challenge of getting
25 competent volunteers to the polls on election day. It



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1 is extraordinarily difficult, and you will notice it
2 when you go to the polls, they have a very hard time
3 getting people in my generation and younger to work the
4 polls.

5 At a time when the polls are getting
6 increasingly technologically sophisticated, it is very
7 difficult to get poll workers who can meet the
8 requirements of the 21st-century voting booth.

9 So what we are doing in this bill is
10 requiring something entirely new for poll workers. They
11 not only have to review and check the list and say yes,
12 the docket, the standards have been met. The clear
13 documentation requirements have been met. They have to
14 make a discretionary judgment about whether the ID being
15 presented to them is the ID of the person that is
16 presenting it.

17 That is a whole new level of discretion and
18 I predict there will be pockets of problems where poll
19 workers turn voters away using this new discretion that
20 they've been granted. And there will be lawsuits that
21 result from it.

22 Members, the 2000 election in Florida is
23 the most closely scrutinized election we've ever had.
24 And that election, after the fact -- every single vote
25 in that election was looked at with a microscope. They



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1 did not find examples with the type of fraud that this
2 legislation is designed to prevent.

3 But they found countless examples of people
4 who were denied the right to vote who should have been
5 allowed to vote, all of which are well documented.

6 I happen to have a little bit of experience
7 with this. My company won a contract with in the state
8 of Florida to fix their voter registration database
9 after the 2000 election. And I spent a lot of time
10 going through the problems that occurred in the 2000
11 election in Florida. This was not the problem. The
12 problem that this bill is intended to address is not
13 what went wrong in Florida.

14 We've done a lot to fix the problems that
15 went wrong in Florida with the elections. What I
16 addressed is the problem of legitimate voters being
17 turned away from the polls due to errors by the election
18 administrators. That problem is worse and worse.

19 And the third practical problem with this
20 bill: This bill should necessitate the creation of a
21 split voter registration roll which should significantly
22 (inaudible) the administration of the Voter Registration
23 Database.

24 In 1995 Congress implemented the Federal
25 Motor Voter bill, and it required states to allow people



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1 to register to vote by mail and at driver's license
2 agencies. Two states refused to comply with the law and
3 said we're not going to let our voters register at
4 driver's license agencies and by mail.

5 In those two states, Illinois and
6 Mississippi, because federal law required it for federal
7 elections, they had to maintain a split Voter
8 Registration Database.

9 People who registered by mail were on one
10 list and were allowed to vote a federal ballot. People
11 who registered to vote under the old Mississippi and
12 Illinois procedures were on the list of people who got
13 to vote the entire federal and statewide ballot.

14 Because this bill deviates from federal
15 standards, it necessitates that election administrators
16 maintain two lists of federal voters. It required that
17 we have primary voters who do not meet the state
18 requirements but do meet the federal requirements and
19 that we allow them to vote the federal ballot because
20 that's what federal law says.

21 I was there in Washington when the Help
22 America Vote Act was negotiated. And the identification
23 requirements in the Help America Vote Act were the most
24 hotly contested part of that bill. And they settled on
25 the ID requirements that we have in the Help America



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1 Vote Act because that is what is necessary to create
2 security in the electoral process.

3 Let's not diminish what those ID
4 requirements are. No one is ever allowed to vote in
5 this country if they have not been ID'd with Photo ID or
6 with another form of ID and with the last four digits of
7 their Social Security number or with a driver's license
8 number, either at the time that they register to vote or
9 on the first occasion of their voting.

10 It is not allowed for you to go vote by
11 mail --

12 THE SPEAKER: Mr. Jones, what's your
13 question?

14 REPRESENTATIVE DELWIN JONES: Mr. Speaker,
15 would the gentleman yield for a question?

16 THE SPEAKER: Do you yield?

17 REPRESENTATIVE STRAMA: Mr. Jones, if
18 you'll give me a minute and a half.

19 THE SPEAKER: Not at this time, Mr. Jones.

20 REPRESENTATIVE STRAMA: Am I out of time?

21 THE SPEAKER: No.

22 REPRESENTATIVE STRAMA: Okay.

23 We have security that requires first-time
24 voters to vote in-person if they did not register to
25 vote in-person. We authenticate the individuals



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1 identity at that time.

2 Security experts that worked in the -- I
3 worked in the technology field for five years. Security
4 experts will tell you that is the level of
5 authentication that is appropriate to this enterprise.
6 To go beyond that gets into the area where it cuts
7 people out of the process.

8 I know that is not the intent of the
9 chairwoman, but she acknowledged in Florida bay
10 yesterday, that this bills requirements will be
11 harder --

12 THE SPEAKER: The point of order has been
13 raised. The gentleman's time has expired. The point of
14 order is well taken.

15 REPRESENTATIVE STRAMA: Thank you.
16 Members. I hope oppose this bill.

17 THE SPEAKER: Mr. Jones, for what purpose?
18 Unfortunately, Mr. Jones, he yields the
19 floor.

20 Ms. Davis?

21 REPRESENTATIVE DELWIN JONES: Mr. Speaker,
22 can I move to extend the speaker's time so he might
23 respond to questions?

24 THE SPEAKER: Members, you've heard the
25 motion. Mr. Jones moves to extend the gentleman's time.



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1 Is there an objection?

2 Members, it is a division vote.

3 All those in favor to extend the
4 gentleman's time vote aye. All those opposed vote no.

5 5, 2, vote. The gentleman's time is
6 extended.

7 REPRESENTATIVE STRAMA: I do yield.

8 REPRESENTATIVE DELWIN JONES: Let me see if
9 my farmer's ears understand what you said in that
10 dialogue.

11 I believe you said that this bill would
12 discourage voter participation; is that correct?

13 REPRESENTATIVE STRAMA: I believe it could
14 cause some voters to be turned away from the polls.

15 REPRESENTATIVE DELWIN JONES: Also, I think
16 you said it would discourage workers from working at the
17 polls because of the various documents and/or rejecting
18 someone from the voting process. Was that a part of it?

19 REPRESENTATIVE STRAMA: Mr. Jones, that's
20 correct.

21 REPRESENTATIVE DELWIN JONES: And would you
22 agree with me that the less people who participate in an
23 election, the less fraudulent votes would have on that
24 process?

25 REPRESENTATIVE STRAMA: I would agree with



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House Floor Debate, 3rd Reading - Volume V

May 3, 2005

17

1 that.

2 REPRESENTATIVE DELWIN JONES: Thank you.

3 REPRESENTATIVE VILLAREAL: Mr. Speaker.

4 THE SPEAKER: Mr. Villarreal, for what
5 purpose?

6 REPRESENTATIVE VILLARREAL: Will the
7 gentleman yield for a question?

8 THE SPEAKER: Mr. Strama, do you yield?

9 REPRESENTATIVE STRAMA: I will.

10 THE SPEAKER: The gentleman yields.

11 REPRESENTATIVE VILLARREAL: Can you explain
12 your third point a little more simply.

13 My understanding is that we're creating two
14 different standards, and I'm interested in how this
15 impacts my County Elections Department.

16 What I heard you say is that we are
17 creating, sort of, a split roll in terms of voting. My
18 precinct judge is going to have to maintain two sets of
19 ballots, one for federal elections, one for all other
20 elections, and federal elections, and that a voter who
21 may not meet our state, stricter standard cannot
22 (Inaudible) election.

23 REPRESENTATIVE STRAMA: I think you
24 understand it correctly. The background that you need
25 to know is that when the federal government makes laws



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1 regarding elections, it does so only as a regard to
2 conduct the federal elections. It has no authority over
3 the conduct of state elections.

4 So when it passed the Help America Vote
5 Act, it enacted standards that governed the
6 administration of federal elections.

7 When we deviate from those standards, we
8 create a dual-administrative process at the local level.
9 One, for the conduct of the federal election. One, for
10 the conduct of the state elections.

11 And a voter who does not meet the ID
12 requirements in Representative Denny's bill should be
13 allowed to vote on federal elections by meeting the
14 requirements in the Help America Vote Act.

15 REPRESENTATIVE VILLARREAL: You said should
16 be allowed. Aren't they required to be allowed?

17 REPRESENTATIVE STRAMA: Under the law they
18 should be.

19 REPRESENTATIVE VILLARREAL: My
20 understanding is we can't override federal law.

21 REPRESENTATIVE STRAMA: You're correct
22 about that.

23 REPRESENTATIVE VILLARREAL: So we're
24 creating a dual-election process where voter (Inaudible)
25 way voters aren't turned away if they fail to meet our



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1 standard but they meet the federal standard?

2 REPRESENTATIVE STRAMA: And I'll tell you
3 when this was it done in Illinois and Mississippi in
4 1996 it quickly collapsed of its own weight.

5 REPRESENTATIVE VILLARREAL: Thank you.

6 REPRESENTATIVE STRAMA: Thank you, Members.

7 THE SPEAKER: The chair recognizes
8 Representative Davis.

9 REPRESENTATIVE YVONNE DAVIS: Thank you,
10 Mr. Speaker, Members.

11 I'd like to take a moment just to suggest
12 that we really ought to review what we're doing here.

13 House Bill 1706 has the effect of taking
14 fundamental rights away. We are a country of a
15 democracy. We are we encourage. We should be
16 encouraging participation.

17 What 1706 will have the effect to do is to
18 suppress voter participation and have the ability to
19 have fewer people make decisions for our state and our
20 country.

21 We ought to be creating bills for the
22 people. To support the people, not to hinder them. And
23 when we pass a bill like this, it's punitive in nature.

24 If we're trying to fix voter fraud, I think
25 we have rules and laws on the books to address voter



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1 fraud.

2 Why are we imposing these standards on
3 voters who just wish to participate in this governmental
4 process, that we say that the 26th Amendment gives
5 18-year olds and older to vote in our state and our
6 country.

7 And now we're coming up with these
8 different kind of standards which have the effect of
9 saying that you have to prove yourself worthy of a vote
10 instead of being able to enjoy that constitutional right
11 we've been given once we reach or turn the age of 18.

12 I'm concerned that when we talk about the
13 provisional ballots, when we talk about having two
14 ballots, the regular ballot will be counted and then its
15 provisional ballot.

16 There's no question a provisional ballot
17 would be very difficult to count. We're now going to
18 create a separate class of ballots. We know when we do
19 separate ballots, separate classes, we know that
20 inherently creates an inequity.

21 So now we're going to have this provisional
22 ballot that people are going to go with votes, thinking
23 they're going to cast their votes for a particular issue
24 or a candidate and not know if it gets counted.

25 We are going to impose those kind of



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1 standards that have the effect of eliminating people's
2 participation in this process.

3 I think that in 1706, we are being punitive
4 to those voters who have a right to vote, and I don't
5 think it does anything to address fraudulent voters.

6 None of us want elections based on a
7 fraudulent vote. All of us run under elections and for
8 voters to vote for us. So we know how important or
9 significant it is that we have fair elections.

10 The question is: Do we penalize and
11 suppress votes by creating these barriers?

12 I would submit that HB 1706 is creating
13 barriers. Instead barriers, instead of creating
14 opportunities to encourage, to increase voter
15 participation, it creates barriers. It has an effect of
16 setting up standards that make it difficult for many
17 people to vote.

18 We've seen Dallas County, when they want to
19 suppress elections, they come out with rules and
20 standards and post signs. And this is just another way
21 of doing it to suppress voter participation.

22 Why are we going to ask senior citizens to
23 bring in their utilities if they don't have IDs? To
24 bring in two utilities bills with their names and
25 addresses? I mean, we're creating a barrier that we



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1 should not be imposing on the citizens of our states.

2 And I will tell you that I think HB 1706,
3 it does not help the folks of the State of Texas. It
4 creates and hampers their right to vote and we ought not
5 be doing that this legislative session.

6 So I ask you, Members, to think about how
7 would you feel if someone came out and prevented you
8 from casting your vote? How would you feel if there
9 were these artificial barriers created in this house
10 that created a difficulty for you to vote?

11 That's the question: Are we willing to do
12 the same thing to ourselves as we're doing to others?

13 HB 1706 will have the effect of suppressing
14 voter participation.

15 REPRESENTATIVE HODGE: Mr. Speaker.

16 THE SPEAKER: Ms. Hodge, for what purpose?

17 REPRESENTATIVE HODGE: Will the lady yield
18 for a couple questions?

19 THE SPEAKER: Ms. Davis, do you yield?

20 REPRESENTATIVE YVONNE DAVIS: Yes.

21 THE SPEAKER: The lady yields have.

22 REPRESENTATIVE HODGE: Representative
23 Davis, have you ever heard the saying, you cannot
24 understand the plight of my walk unless you've walked a
25 mile in my shoes?



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1 REPRESENTATIVE YVONNE DAVIS: I have heard
2 that Representative Hodge.

3 REPRESENTATIVE HODGE: Have you ever had
4 any idea what's really meant by that?

5 REPRESENTATIVE YVONNE DAVIS:
6 Representative Hodge, unfortunately, I know exactly
7 what's meant by that.

8 REPRESENTATIVE HODGE: Well, let me ask
9 you: Are you concerned a lot about this bill, not as it
10 being a minority bill, but a bill that restricts the
11 rights of all voters to vote?

12 REPRESENTATIVE YVONNE DAVIS: That's why it
13 is so offensive. This bill has the effect of
14 suppressing people in their government. It doesn't
15 matter what color they are. It doesn't matter what
16 neighborhood they live in. It will have that effect.
17 And any time it has an effect in any neighborhood, the
18 entire system is effected by it.

19 REPRESENTATIVE HODGE: Now, let me ask you
20 about the plight of walking in your shoes that may give
21 you a different concern about this bill.

22 During your lifetime, are you familiar at
23 all with any of your grandparents having to pay poll
24 tax?

25 REPRESENTATIVE YVONNE DAVIS: Yes, ma'am.



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1 REPRESENTATIVE HODGE: To have the right to
2 vote?

3 REPRESENTATIVE YVONNE DAVIS: Yes, ma'am.
4 Yes, ma'am. I remember my dad having to pay poll tax,
5 Ms. Hodge.

6 REPRESENTATIVE HODGE: Anywhere in your
7 lifetime do you remember, members of the African
8 American community having to take a Litmus Test to have
9 the right to vote, even being told that they failed the
10 test when they passed it?

11 REPRESENTATIVE YVONNE DAVIS: Yes, ma'am,
12 Representative Hodge. I'm very familiar with that.

13 REPRESENTATIVE HODGE: Now, when I talk
14 about this walk a mile in my shoes, we've got other
15 people in this room. Do you think that maybe they don't
16 understand our plight about voting because they've never
17 walked that mile in these shoes?

18 REPRESENTATIVE YVONNE DAVIS:
19 Representative Hodge, I hope it's based on just not
20 understanding. I would hate to think that this bill is
21 designed to suppresses voter participation.

22 And I would hope that they would listen to
23 (Inaudible) that would suggest that this would have that
24 effect in our community so that they would not think
25 that this is just some discussion about it. This is



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1 reality for us.

2 They do differently in our communities.

3 They handle elections differently in our communities

4 than they do in any others. So this is real for us.

5 This is what people have to experience coming into our

6 communities to execute their right to vote.

7 REPRESENTATIVE HODGE: So are you familiar

8 with women suffrage?

9 REPRESENTATIVE YVONNE DAVIS: Yes, ma'am.

10 REPRESENTATIVE HODGE: Where women who were

11 not of color did not have the right to vote?

12 REPRESENTATIVE YVONNE DAVIS: That's

13 correct, Representative Hodge, I am.

14 REPRESENTATIVE HODGE: But would you think

15 that our colleagues in this room may not understand that

16 plight because that was over in 1920, and there are very

17 few women in this room that was born in 1920 or before?

18 REPRESENTATIVE YVONNE DAVIS: That's right.

19 REPRESENTATIVE HODGE: So do you think

20 they're not being selfish to us, but do you think they

21 just do not understand the plight since they themselves

22 have never personally experienced it the way you and I

23 have, that we have such a great respect for the right to

24 vote is?

25 REPRESENTATIVE YVONNE DAVIS: I think



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1 that's one of the challenges for us is that people don't
2 understand how much blood, sweat and tears passed on
3 before we were given the right, before we were able to
4 execute our right.

5 And then to put these artificial boundaries
6 in place to suppress and barriers to prevent us from
7 participating. We've seen it before. It might be
8 neater, or it might be cleaner, but it is, in fact, a
9 means in which to suppress our votes and our
10 participation.

11 And we ought to be all offended by it as
12 Members who are elected by the vote. We ought to have a
13 greater appreciation for one's right to vote.

14 REPRESENTATIVE HODGE: So are you telling
15 me that what you think of when you think of this is the
16 fact that you had to overcome poll tax? You had to
17 overcome the Litmus test? These are all trying to
18 obtain the right to vote?

19 You had to demonstrate and protest? If you
20 may remember the death of Caney, Swina and Goodman who
21 lost their lives in the south fighting for the right of
22 people to vote? Would you remember that?

23 REPRESENTATIVE YVONNE DAVIS: I do remember
24 that, Ms. Hodge. That's why Texas is under the Voting
25 Right Act because we know, we know that we have put in



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1 laws that have suppressed and discouraged participation
2 and that's why these things, this 1706 represents that
3 kind of turning the clock back.

4 REPRESENTATIVE HODGE: Do you think that
5 your colleagues here are even aware of the fact that
6 African Americans in the south is the reason, basically,
7 the Voting Rights Act was created and that we are the
8 only people in this country who have to have
9 Congressional Certification every ten years to maintain
10 the right to vote?

11 Now, I know when President Bush was asked
12 about this just a month or so ago, he was not familiar
13 with the Voting Rights Act. So do you think that maybe
14 that's something our colleagues are not familiar with,
15 also?

16 REPRESENTATIVE YVONNE DAVIS: Well, let me
17 just assure you, Ms. Hodge, the fact that we have Voting
18 Rights Act has been a tool to prevent this kind of bills
19 and legislation, which would have the effect of
20 suppressing and discouraging voter participation,
21 particular folks, because everyone is guaranteed the
22 right to vote when they become 18 or older.

23 And so this, in my judgment is another
24 means in which to turn the clock back, try to discourage
25 participation in a form of intimidation and a form of



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1 creating artificial requirements to suggest that a
2 person shows up with two utility bills as an address,
3 makes them a proper voter.

4 I mean, the whole theory is voters should
5 not have to prove they're legitimate. We should deal
6 with the fraudulent voters. Everyone should be able to
7 freely come in and vote. We should not penalize those
8 that have a right to vote based on what someone else
9 did. Let's penalize the fraudulent voters. Or the
10 crime --

11 THE SPEAKER: The point of order is well
12 taken. Thank you.

13 REPRESENTATIVE YVONNE DAVIS: Thank you,
14 Representative.

15 I'd ask Members to vote no on this bill.

16 THE SPEAKER: The chair recognizes
17 Mr. Burnam.

18 REPRESENTATIVE BURNAM: Mr. Speaker,
19 Members, I think you all know that I think that this is
20 a really bad bill. I think this is one of those bills
21 that points out the hypocrisy of what goes on in this
22 legislative body, and I want to talk about that a little
23 bit.

24 But, first, I want to remind you where we
25 opened this discussion yesterday on the second reading



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1 when the author of the bill was laying out the bill.

2 I read to you then and I'm going to reread
3 to you one or two sentences from the AARP letter which
4 says, "HB 1706 will impose the modern version of a poll
5 tax, as it will force elderly, retired and disabled
6 voters to purchase and furnish official documents, such
7 as birth certificates, passports, driver's licenses or
8 government identity cards as a prerequisite to
9 registering or casting a ballot. An artificial obstacle
10 to voting.

11 "Voter Identification requirements will
12 negatively impact thousands of AARP Members, especially
13 those who have voluntarily given up the right to drive."

14 REPRESENTATIVE HODGE: Mr. Speaker.

15 THE SPEAKER: Ms. Hodge, for what purpose?

16 REPRESENTATIVE HODGE: Will the gentleman
17 yield for a question?

18 THE SPEAKER: Mr. Burnam, do you yield?

19 REPRESENTATIVE BURNAM: For a question.

20 REPRESENTATIVE HODGE: No, I have two.

21 REPRESENTATIVE BURNAM: Two questions.

22 Yes, I yield.

23 THE SPEAKER: The gentleman yields.

24 REPRESENTATIVE HODGE: REPRESENTATIVE
25 BURNAM, are you speaking against this bill because you



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1 think it is a bad bill?

2 REPRESENTATIVE BURNAM: Absolutely.

3 REPRESENTATIVE HODGE: Then let me ask you:
4 After all the work we've done on this side on this bill,
5 are you aware that 11 senators on the other side have
6 already voted to block the passage or the hearing of
7 this bill in the Senate?

8 REPRESENTATIVE BURNAM: I have heard that
9 11 senators have signed a letter saying that no way
10 would they allow this bill to come to the Senate floor
11 because it is such a bad bill.

12 And so if those 11 senators hold true to
13 their commitment, this bill will not become law, which
14 is a good thing.

15 But I think it's an important thing that we
16 are all reminded that in addition to the letter from the
17 AARP, we have a letter cosigned by the NAACP, LULAK, the
18 American Civil Liberties Union, MALDAV, the United Farm
19 Workers, the State AFL, PRO, and People for the American
20 Way all raising objections saying that this bill
21 relating to requiring a voter to present proof of
22 identification which will create one of the most
23 restrictive voting laws in the nation.

24 Now, I want to talk about hypocrisy. I can
25 read letters. You can read letters. We can talk about



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1 what all the third-party people are talking about. But
2 I want to talk about hypocrisy.

3 Since the 1870. Corporations in this
4 country have had way too much influence in power and
5 control over our democracy in the election process.

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